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Ref.A2-8314-31 South Kanara Collector's Office,

Mangalore, 1st October 1931.

BOARD OF REVENUE
MADRAS
6 OCT 1931

From

Khan Bahadur J. Hussain, Bar-at-Law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Settlement - Re-settlement - South Kanara District - Mangalore Municipality - Assessment - ground rent - Treatment at Re-settlement - Instructions solicited.

According to Notification No.168, dated 8th August 1922 published at page 842 of the Fort St. George Gazette (Part I) dated 29th August 1922, that portion of land ------ Revenue which represents the difference between the ------ ordinary agricultural assessment and the approximate annual value of such lands as town-site represented by the ground rent has to be transferred to Municipal Councils from 1st April 1923. The Special Settlement Officer brings to my notice that no credit of the difference between the agricultural assessment and ground rent has been made in the case of special rate lands assessed at Rs.12/- an acre within the Municipality in pursuance of the above notification and raises the question whether such a credit should be given to the Municipality in the case of special rate lands, so that proposals may be formulated at the Re-settlement for the revision of the assumed agricultural assessment on such lands. The Tahsildar of Mangalore reports that the omission to credit the difference in the case of those lands is due to the fact that there were no orders to treat the special rate imposed at the last settlement as ground-rent.

2. The whole question turns on whether the special rate imposed at the Settlement is the same as ground-rent

coming within the purview of para 2 of the Notification of 1922. From para 2 of G.O.No.485 (Confdl.No.115) Rev. dated 13th May 1903 communicated with B.P.No.106 (Confdl.No.27) dated 18th May 1903, it appears that the special rate of Rs.12/- in Mangalore was ordered to be charged on any land at the disposal of Government granted for building purposes and also on any land assessed at those rates prior to settlement. It is clear from this that the rate charged on housesites in Towns was called the "Special rate" at the last settlement. Prior to settlement housesites were assessed to "Nelterige" (ground-tax) at the rate of Rs.6/- in small Towns and Rs.12/- in large ones. In 1900, Part II of standing order No.37 approved in G.O.No. 139 Rev. dated 17th February 1900 was made applicable to "Nelterige" holdings in Towns in this District, and "groun rent" came to be charged on housesites in Towns according to those rules. Old B.S.O.No.37 has now been replaced by B.S.O.21, according to which "ground rent" continues to be charged on housesites in Towns. In my opinion, therefore, the term applied to assessment charged on any land used for building purposes in Towns at different times whether called "Nelterige", the "Special rate" or "ground rent" is the same, all the three terms being more or less synonymous. If my presumption is correct, there seems to be no reason to draw a distinction between specia rate lands and those charged with ground-rent in the matte of apportionment of Revenue between Government and the Municipality in pursuance of the Notification of 1922. I solicit the favour of Board's instructions in the matter

p.6 of (S)

3. If the Board considers that my view stated above is correct, I also request Board's orders whether the difference over the agricultural assessment of Rs.6-4-0 not credited to the Municipality since 1923 in the case of special rate lands, should now be credited to it. I may, however submit that it does not seem advisable to give such a credit to the Municipality for the past years; as

such a course might lead to complications in Accounts. Moreover, the Municipality has not also raised any objection to the omission. I would suggest that, for the present, the existing practice might be allowed to continue, credit being alllowed to the Municipality in respect of special rat lands only after Re-settlement, at which the Special Settlement Officer may be asked to formulate proposals for the revision of the assumed agricultural assessment in respect of such lands.

4. The matter being of some considerable importance I have ventured to solicit Board's orders on it.

3/10/31.

For Collector.

Comptd 3/10/31

M.D'S.3/10

Subject.

R. F. XXII-A-19—39,500 22-4 30 (6)

FOR MEMBER

Assessment: Agr. rent (S. Kanara) Mangalore municipality - Excess over agricultural asst credit to the Municipal council

READ AGAIN B. P. No. _____, dated _____ 193

" " " _____, " _____ 193

READ ALSO :—

B Register No. 5475, From the Collr. of S. Kanara No. Ref A2-8314-31, dated 1-10- 1931. A pp1-34

" " _____, " "_____, "_____, "_____ 193

" " _____, " "_____, "_____, "_____ 193

~~RESOLUTION~~. Ref: B No. 5475/31-1, dated 24-10 1931

Referred to the Special Settlement Officer no. IV Party for remarks as to the nature of the existing rates and their origin.

To the Special Sett. Officer no: IV Party

24-10-31.

B5475/31 7 B6539. 26929

Ref.A2-8314-31. South Kanara Collector's Office,

Camp Karkal, 24th November 1931.

27 NOV 1931

From

Khan Bahadur J.Hussain, Bar-at-law,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue and Settlement,

M a d r a s.

Sir,

Settlement- Re-settlement- South Kanara District- Mangalore Municipality- Assessment- ground rent- Treatment at resettlement- This office Ref.C.No.A2-8314-31, dated 1st October 1931.

I request the favour of early orders on my referen noted above.

For Collector.

B 6539/31 -Q

Ref no B 5475/31-2, dt 3.12.31

The matter is under correspondence with the S.S.O; no IV Party Orders will be comm[d] in due course

F. 82.

In reply, please quote number, date and short title.*

PUBLIC RECORDS — Settlement — DEPARTMENT.

Received 2nd NOV 1931 Registered B 6656

From (Name) W.R.S. Sathianadhan Esquire, I.C.S.,

(Designation) Special Settlement Officer, Party No.IV,

Post Box ____, (Station) Cannanore.

Telegraphic Address ____

BOARD OF REVENUE MADRAS 3 DEC 1931 LAND REVENUE & SETTLEMENT

To The Secretary to the Commissioners of Land Revenue and Settlement, Chepauk, M a d r a s.

Through the Collector of South Kanara, Mangalore.

Ref. *No.* C1-27-31, *dated* 22nd Novr. 19 31.

Sir,

ENCLOSURES ____

SPARE COPIES ____

Assessment Groundrent - South Kanara district Mangalore municipality - Excess over agricultural assessment - Credit to the Municipal Council - Report submitted.

p5 f Board's reference B.No.5475/31-1, dated 21-10-1931.

Prior to the last settlement in the case of sites in bazaars or streets in large villages or towns in the South Kanara district, special rates of Rs.6 and Rs.12 were charged under the name of nelaterige or ground-tax. The amount collected was credited to Land Revenue Miscellaneous the payer was supposed to acquire no proprietary right over the site.

2. In connection with the redraft of the old B.S.O.No.37 (Corresponding to the present B.S.O.No.21) dealing with the assignment of house-sites in villages and towns, Government, in their order No.139/Revenue, dated 17-2-1 , aceepted the Board's view that part I of the B.S.O. dealing with the assignment of house-sites in villages could not be made applicable to South Kanara district where there were no free village-sites or even villages properly so called, but that part II thereof, dealing with the assignment of house-sites in towns, might be made applicable to nelaterige holdings in towns. ~~cover~~

Government also ordered that, in all cases in the district where it was then the practice to charge ground-rent under the old B.S.O. No.37, the practice should be continued, the rent being made liable to periodical revision as in the case of gro rent on sites in towns. Subsequently, the Board, in paragrap 58 of its endorsement No.41, dated 15-3-1902, on the Deputy Commissioner's settlement scheme report, proposed that, in the case of house-sites which were then paying nelaterige, the old rates of Rs.12 in Mangalore and Rs.6 in other towns should be charged; that all other lands occupied by houses and cultivated and uncultivated lands in towns which were not occupied by buildings should be assessed at ordinary settlement rates. Government approved the Board's proposals and their orders were embodied in paragraph 16 of the last settlement notificatic printed in B.P.No.226, dated 17-10-1902.

3. Eventually, after further correspondence on the subject, Government, in their orders Nos.485 (Confidential Nolis), Revenue, dated 13-5-1903 and 953: Revenue, dated 16-9-19 directed that, prospectively, the special rates of Rs.12 in Mangalore and Rs.6 in other towns should be charged on any land at the disposal of Government which might be granted for building purposes, and that the special rates should continue to be charged on any land assessed at those rates prior to settlement, provided that in cases where the land was wholly utilised for agricultural purposes as wet or garden the ordinary settlement rates - wet or garden - should be substituted.

4. In the last settlement diglott registers, the rates of Rs.6 and Rs.12 on house-sites in the villages comprised within town limits, have been designated as special rates and not as ground rent.

5. In the case of assignments of house-sites in towns made subsequent to the last settlement, the rates of Rs.12 and Rs6 were adopted in a few cases only; in the rest, either the schedule of rates appended to B.S.O.No.21 under the authorit of B.P.No.69, dated 12-3-1907 and G.O.No.3646, dated 12-11-191

has been followed or the rate of Rs.6-4-0 adopted.

6. There is one point of difference between the special rates (nelaterige rates) levied at or prior to the last settlement and the ground rent levied subsequent to the last settlement under B.S.O.No.21. In the case of the latter, Government possess the right to cancel the assignment and to re-enter the lands when the conditions of assignment have not been fulfilled. But no such right exists in the case of the former, because no conditions of any kind were imposed at the time of assignment and, if buildings do not exist now on the sites and the lands are utilised solely for agricultural purposes, the only thing that can be done is to assess them at ordinary settlement rates (vide G.O.No.485(Confidential No. 115), Revenue, dated 13-5-1903).

The question arises whether, in view of this difference, any differentiation should be made between the two classes of cases with regard to the crediting to the Municipal Council of the excess over the assumed agricultural assessment under Government Notification No.168, dated 8-8-1922. I am of opinion that no differentiation should be made in view of the fact that both kinds of rates are of the nature of a ground-tax on house-sites within town limits.

7. There is the further question how the special rates of Rs.6 and Rs.12 should be revised at resettlement, i.e., whether revision is to be proposed for only the assumed agricultural assessment of Rs.6-4-0 to the extent of the increase in the prices of the standard grains, as in the case of ground rent lands covered by B.S.O.No.21, or whether any different procedure is to be adopted. I am of opinion that the same procedure should be adopted in respect of both the special rates of Rs.6 and Rs.12 and the rates levied under B.S.O.No.21; that is to say, the assumed agricultural assessment in both ~~the~~ cases should be taken

as Rs.6-4-0 per acre and the percentage of increase in the prices of the standard grains should be applied to that rate.

P.S.U/23-11. DESPATCHED 24NOV1931 Special Settlement Office..

Assessment - Ground rent - (S.Kanara) Mangalore Municipality - Special rates - excess over agricultural assessment - Credit to Municipal Council - Orders passed.

P. 5475/31
6656/31

R.P. (Mis.)

The Board agrees with the Collr. and the S.S.O. that the 'new' enhanced rates of Rs. 6 and 12 imposed at settlement on town sites ~~within the Mangalore Municipality~~ in S. Kanara should be treated as ground rent and no distinction should be made between these cases and those charged with ground rent in the matter of crediting to the Municipal Council the excess over the assumed agricultural assessment. The special rates will also be liable to revision at resettlement in the same manner as ground rents in accordance with the orders issued in G.O. No. 2502 Rev., dated 3-12-27. The S.A.S.O. in charge is accordingly requested to make proposals accordingly when submitting his report on the revision of ground rents in the district.

2. As regards the refund of the difference over the assumed agricultural assessment since 1923, the Board agrees with the recommendation in para 3 of the Collr's letter that no refund need be allowed till the rates are revised at resett. The Collr. is however requested to give an idea of the amount involved.

The Collr. of S.Kanara
with a copy of the S.S.O.'s letter.

the S.A.S.O. in ch

R. F. XXII-A-19—30,004—2-2-31.(6)

Subject.

FOR MEMBER.

Assessment. ground rent. (S. Kanara, Cangalore municipality - Special rates. Excess over agricultural assessment - credit to Municipal Council - orders passed.

READ AGAIN B. P. No. _____ ,dated _____ 193

" " " _____ , " _____ 193

READ ALSO :—

Register No._____. From the_____, No._____ , dated_____193

" "_____, " "_____ , 5475/31 } Q 6656/31 } _____193

" "_____, " "_____ " "_____, "_____193

54 32 284 32

29/9/U

RESOLUTION. (This) No. 132, dated 15-1- 1932

Issued on 15.1.32

The Board agrees with the Collr. and the S.S.O that the 'melaverige' rates of Rs 6/- and 12/- imposed at settlement on town sites in S. Kanara should be treated as ground rent and no distinction shd. be made between these cases and those charged with ground rent in the matter of crediting to the Municipal Council the excess over the assumed agricultural assessment. These special rates will also be liable to revision at result in the same manner as ground rents in accordance with the orders issued

vide G.O. 2502 Rev., dt 3.12.27. The S.A.S.O in Ch. is requested to make proposals accordingly when submitting his report on the revision of ground rents in the district.

2/- In para 5 of his letter read above the S.S.O. states that in ~~the~~ some cases of assignments made subsequent to the last settlement the schedule of rates appended to B.S.O. No. 21 have been adopted. The Board understands that ~~among the~~ in many of these cases ~~cases, there are some in which~~ high rates of ground rent were charged when house sites were sold on the basis of the old B.S.O. 21(12). A portion of the ground rent so charged repre the value of the occupancy right as the rate of ground rent was fixed slightly less than the full competitive rent so that the sum immediately payable by the purchaser for the occupancy right might be as low as possible. ~~The beneficiaries~~ under the Mpl. councils may in ~~some cases~~ not be entitled to the ~~full~~ difference between the ground rent so charged and the agricultural assessment ~~The Collr is also~~

to offer no remarks on the questi
and to state what the differen
between the (assumed agricultural) assessment and the
ground rent will amount to in
such cases.

3/- As regards the
question of the refund of the
difference over the assumed
agricultural assessment since
1923, ~~in respect of the relatively~~
~~high rates~~ the Board agrees with
the recommendation in para 3 of
the Collr's letter that no refund
need be allowed till the rates are
revised at present. The Collr. is
however requested to give an
idea of the amount involved.

Collr
12.1.32

Collr
12.1.32

Sd/ S. Kanara
for of the S.S.O's letter
12/1/32

S.S.O. in ch. of No. IV Party.
12/1/32

Issued with
Memo
14/1/32

Note File

Assessment : Ground rent (S. Kanara)
Mangalore Municipality. Excess
over agricultural assessment.
Credit to Municipal council

G.O. 139 / 17 - 1900 (H)
DP 166 (confdl 27)/03 (S)
L. 99 - M / 1 - 6 - 16 (C)
B 5 a 13 .

To AS.

Pl. see the Collr's letter on
pp 1-3 cf

2. The question of transferri
to the municipal coun - in the
mufassal a share of the increment
in land values due to the develop -
of urban life in the towns
administered by them was rais -
in 1914 and Statistics of pro - -
involved in such a proposal were
collected. A sum of Rs 4,52 - - - o
was shown as annual gr - -
recovered in the area adminis - -
by the Mangalore municipal - -
The total land revenue demand
within Mangalore municipal li
was shown as Rs 15 50 - 9 - 3.
Of these whole -

G. Nt. Memo 1556 - C dt 3
27 - 4 - 14 pgs

from the special rate was overlooked
included in 6814521-0-2-2 this was
included in 0814152-1-0, the mistake
to credit the municipality with the
excess over the assessed agricultur
assessment cannot be said to w
due to want of orders on the subj
-- 3- As pointed out by the Collr.
the special rate is charged on la
at the disposal of Govt. and whic
is granted for recruiting purpos
on holdings containing buildi
and varying thus on certain than
though termed the special rate i
is on a par with what goes by the
name of 'ground rent' in other par
of the Presidency. The order conta
(meaning of the
applies to the Special rates also
the Collr. may be informed accordin
4- If the Collr wants to know
whether the difference over the
agricultural assessment of 6 & 7 wet
not credited to the municipality
since 1923 in the case of special
rate lands should now be credit
to it. The Collr's letter is subj
as to the amount involved.

municipal council has not raised any objection to the failure of the [illegible] the assessment authorities to credit it with the excess over Rs 5 lakhs in the opening revenue, the latter suggest that a similar practice might continue. As the practice is opposed to the [illegible] and as the assessment authorities [illegible] that the latter suggestion cannot be accepted. As the payment of the municipal council [illegible] under Art. 35 [illegible] and Account codes [illegible] to be credited to each [illegible] local body had no direct means of ascertaining the [illegible] and pursuant para [illegible] amount for the earlier [illegible] a claim by the municipality Art. 35 M.F.A.C. Vol I relates to [illegible] claims ~~by~~ pre[illegible]

231.
clear - I need go into these details.

15.10.31 S

This requires close investigatn. the S.S.O. has brought the subject to th Collr's notice, but the C.'s letter does not enclose the correspondence, which wld. be useful here. I would send this to the S.S.O° for remarks as to the nature of

the existing rates and their ori
;in(the refund question,of course,is purely a matter for the Collr.;we nee not dash at it now;probably it will turn out to be a point that will fol--low on the general orders on G.R. in S. Kanara,on which,as far as I know, S.S.O.'s report is not yet due).

I remember that the rates are p -liar and that I left some notes on t in the settmt. orfice;my recollection is that there were 3 or 4 rates in the neighbourhood of Rs.15 to 12,in the Dt. They were used even in smallish places like Kasaragod and Putthur,which never were towns. The whole scheme is unlike anything I have seen elsewhere and it needs full examination.

(The paper,when report comes, should go to A.S.(Sett) first,then to L.R.)

17.10.31.

-M.2. approved 20.10.31

1. 20.10.31

SECY.
20 OCT 1931

Board's Reference B 5275/31-1. §21 (
B 6656/31

To AS.

Please see the S.S.O's repor
at pp 9-11 of as to the origin
and nature of the special rates
The S.S.O. considers that no
differentiation need be made
between these special rates and
the ground rent under B.S.O 2
with regard to the crediting t
the municipal Council of the
excess over the agricultural
assessment
As regards the procedure t
be adopted in revis , at the
Resettlement the assumed agr
cultural assessment also, th
S.S.O considers that no diffn
need be made between the spe
rates and the rates fixed
B.S.O. 21; that is to say,
poses that the assumed ag
assessment in both cases sh
taken at Rs 6/4 or new
percentage of increase in
ices of standard grains sh

e applies to that rate.

for orders on the rules at pp. (

above.

It will be observed from para 16 of the ~~draft~~ settl. notifn. as well as from [illegible] of file 239 of 2.10.1899 (B) in Vol I p 3 (H) that the 'relatenje' (ground rent) assessment was treated as ground rent. ~~It was not to be made~~ (intervention) It will also be noticed from para 2 (a) of G.O. 485 (Confdl.) of 13.5.03 (S) p 6 that Govt. ordered that the old rate ('relatenje') of Rs 12/- + Rs 6/- (two) be charged on any land a re disposal of Govt. which was granted for building purposes, ~~obviously meaning the 'ground rent'~~ indicating merely that no distinction was meant between old rate & ground rent'.

The point of difference referred to in para 2 of the S.S.O.'s letter may not be amount to much when it is observed ~~that the 'relatenje'~~ that the 'relatenje', however, gave no right proprietary for the land, in theory

therefore, it seems, be treated as ground rent and a further mention to the municipal councils power to revise these rates has been granted in G.O. 139 Rev., dt. 7.2.1900. The revision may be carried out on the lines ordered in G.O. 502 Rev., dt. 5.12.27 for ordinary ground rent cases.

I agree.

A.M. 26.12.31 11.12.31

I agree. orders may be passed on A at present.

13-12-31

Please see note

This is right

A.M. 11

In the case of house sites in towns on which the rates of R. 6 and R. 12 as were charged at the last settlement, the rates so charged should be considered as ground rent by whatever term they are called and the Municipal Council allowed the difference between those rates and the agricultural assessment. A similar procedure may be followed in the case of ground rent charged on ~~ordinary house~~ house sites ~~revised~~ subsequent to settlement but there are cases in S. Canara if I remember right, in which high rates of ground rent were

charged when house sites were added

the Bara agreement Rules 21(12). p. 65, Bks & Vol I.

Bombay " " do

charged represented the value of

the occupancy rights or the rate

of ground rent was fixed slightly

on than the full Competitive Adj

rent so that the sum payable

by the purchaser for the occupancy

right might be as low as possible

the Municipal Council is certainly

not entitled to the difference

between the ground rent so charged

and the agricultural assessment

Ker
12-12-31.

(Pl. see at end + also on p. 3 above)
Re collected attention may be
invited to this so that he may
report in such cases specifically
while furnishing the
statement of the amount
due to the Municipal Council
mentioned under the
at (R).

17-12-31

S

I agree with A.S. (Ltt.) on the
treatment of these spec. rate lands
as modified by my last point below.
On the quest. of refund (point
A at p. 3 above) we may find out what
is involved. I am inclined to agree
with Bobbie's para 3 at pp. 2-3 C.F. apart
from the point that it seems unnecessary
to produce this unexpected new year
present from our pockets, I think we
will have, at resultant, to get hold
to avoid the peculiar term
"melaberis" altogether we guarantee that
cases literally speaking, the credit

Agree with Ker

1/1

to the Munic'y should only start the time of Govt's orders.

Another point is whether we ought to, an, take up the question of gr.-rent now, or er, S. Kan. resettmt. having been put off, st wait till it is carried out. On this , the only pertinent old paper is at p. 46). There (para.1) we have "the rent being made liable to periodical revision "etc. In other dists., periodical revision is a matter taken up at resettmt.; as far as I know, up till about 1928 that arrangement was purely a matter of convenience, as the Settmt. Officer had the time and the papers for report. But about 1928 a G.O. ordered us to take into consideration the questn. of the price figures, and this makes it essential that gr.-rent should go with resettmt. I therefore think that we must wait, and that we should not raise the point unless and until the Munic'y gets inquisitive.

M.l.

2.

CY. 3 - JAN 932

To A.S.

Draft sub?

TO A.S. (Sell)

A.S. (Sell)

Keep to arrange amount

12.1.32

12.1.32

12.1.32

A.S. (Sell)

15.1.32

To [illegible]